

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

VICKIE L. H.,)	
)	
Plaintiff,)	
)	
v.)	No. 1:18-cv-00351-SEB-DLP
)	
NANCY A. BERRYHILL Deputy)	
Commissioner for Operations, Social Security)	
Administration,)	
)	
Defendant.)	

**ORDER ON OBJECTION TO MAGISTRATE JUDGE’S REPORT AND
RECOMMENDATION (DKT. 25)**

This matter comes before the Court on Plaintiff’s timely filed and unopposed objection, Dkt. 25, to the *Report and Recommendation* of Magistrate Judge Doris L. Pryor, Dkt. 24, recommending that Defendant’s denial of Social Security Disability Insurance benefits to Plaintiff be reversed and the case remanded to the administrative law judge (ALJ) for further proceedings. We agree with Judge Pryor’s conclusion, overrule Plaintiff’s objection, and adopt the *Report and Recommendation* in full.

Plaintiff welcomes reversal but objects to remand, believing she is entitled to an award of benefits without more. Judge Pryor observed that “the ALJ concluded that [Plaintiff] is not disabled” because, although she “cannot perform her past relevant work as . . . a classroom aide, . . . she is capable of performing her past relevant work as an office helper.” R. & R. 8. Judge Pryor determined that the ALJ had impermissibly failed

to consider the possibility that Plaintiff's most recent position had in fact been a composite job, part classroom aide and part office helper.

An ALJ may not "separate a composite job into two separate jobs and find the claimant capable of performing the less demanding of the two." *Id.* at 10 (citation omitted). Rather, an ALJ "will find the claimant capable of performing the composite job only if [s]he can perform all parts of that job." *Id.* at 9 (citation, quotation marks omitted). Judge Pryor correctly concluded that remand is required for the ALJ to determine whether Plaintiff's most recent position was in fact composite, in light of her own testimony, the vocational expert's testimony, and her silence in the face of the vocational expert's characterization of her most recent position as that of an office helper only. It is for the ALJ in the first instance, not the judges of this Court, to hear and weigh all the evidence under the appropriate legal standard.

Order

Magistrate Judge Doris L. Pryor's *Report and Recommendation*, Dkt. 24, is ADOPTED in full.

Plaintiff's objection, Dkt. 25, is OVERRULED.

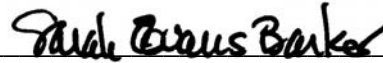
Defendant's final decision of August 31, 2017, denying Plaintiff benefits is REVERSED.

The case is REMANDED to Defendant under sentence four of 42 U.S.C. § 405(g).

Final judgment will enter by separate document. Fed. R. Civ. P. 58(a).

IT IS SO ORDERED.

Date: 3/26/2019



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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